IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19299 of 2007
Date of Decision: 20.12.2007

Prem Chand

..Petitioner.

Vs.

Bank of India and others

..Respondents.

CORAM : HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Munish Bhardwaj, Advocate for the petitioner.

M.M.KUMAR, J.

The instant petition is directed against interlocutory order dated 12.12.2007 (Annexure P/7) passed by Debt Recovery Tribunal II Chandigarh by directing that the respondent-Bank may proceed with the auction as notified but is restrained from confirming the same till further orders. The matter is posted for hearing before the Tribunal on 31.1.2008.

After hearing the learned counsel and perusing the record, we are of the view that at this stage no interference with the interlocutory order passed by the Tribunal is warranted because even if the auction is held, no prejudice is likely to be suffered by the petitioner even if the sale deed is fraudulent as has been sought to be projected before us. All these questions are open and live before the Tribunal and due cognizance of the same can be taken at the time of arguments by it. There is, thus, no merit in the petition.

Dismissed.

(M.M.Kumar)
Judge

(Rakesh Kumar Jain)
Judge

20.12.2007
Meenu